

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS

PETER WILSON, individually) Civil Case No.:
and on behalf of all others) 4:24-cv-04003
similarly situated,)

Plaintiff,)

VS.)

TEXONA MARKETING, LLC d/b/a)
COLLINS GHOSTWRITING,)

Defendant.)

ORAL DEPOSITION

OF

ANDREW HALES

THURSDAY, JUNE 5TH, 2025

(REPORTED REMOTELY)

ORAL DEPOSITION OF Andrew Hales, produced as a witness at the instance of the Plaintiff, and duly sworn, was taken in the above-styled and numbered cause on the 5th of June, 2025, from 12:11 p.m. to 1:41 p.m., before Ryan Caraway, CSR, in and for the State of Texas, reported by oral stenographic means, via Zoom, pursuant to the Federal Rules of Civil Procedure and the provisions stated on the record or attached hereto.

1 APPEARANCES
2 (Appeared Remotely)

3 FOR THE PLAINTIFF:

4 ANTHONY I. PARONICH

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12 ALSO PRESENT:

13 Ryan Caraway, CSR No. 13073

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1 Q. Understood.

2 So how in the CRM currently -- before
3 the completely dedicated thing happens --

4 A. Right.

5 Q. -- how do you know what number is a do not
6 call?

7 A. You mark it in the CRM, and you add the
8 notes of whoever has reached out to the client, right,
9 so they can add the notes that the client has asked,
10 or the prospect has asked, not to contact again.

11 So that way if somebody else will try
12 to reach out to the client, they would, you know, see
13 that lead -- or they would read the comments that it's
14 a DNC client so they would not have to call them again
15 since it's already a DNC.

16 Q. Got it.

17 So when a telephone number is in the
18 CRM, how does it get called? Is there a software
19 that's used?

20 A. Yes.

21 Q. What software?

22 A. Dialpad.

23 Q. And is Dialpad a texting or calling
24 software?

25 A. Both.

1 Q. Oh, it does both. Okay.

2 A. That is right, yeah.

3 Q. How long has Texona used Dialpad for?

4 A. I'd say we've been using it for about two to
5 three years now.

6 Q. Did Texona make text messages or send
7 telemarketing calls using a different system before
8 Dialpad?

9 A. Could you repeat the question?

10 Q. Yes. I believe your testimony was that
11 Texona has used Dialpad for two or three years;
12 correct?

13 A. Mm-hmm.

14 Q. Did Texona use a different calling system
15 before Dialpad?

16 A. Yes. RingCentral.

17 Q. Did Texona use RingCentral to send texts or
18 just calls?

19 A. Both.

20 Q. Okay. And do you know how long Texona used
21 RingCentral for?

22 A. I'm not too sure of the time frame.

23 Q. Okay. Do you know if it was longer or
24 shorter than Dialpad?

25 A. I would say -- I cannot be certain about it.

1 Q. Okay.

2 A. Yeah.

3 Q. How -- let me strike that.

4 For using Dialpad, is it only Intersys
5 employees that use the system?

6 A. Could you repeat your question, please?

7 Q. Sure.

8 So we were talking about how the
9 current system Texona uses is Dialpad to send texts
10 and calls; correct?

11 A. Mm-hmm.

12 Q. Is that a "yes"?

13 A. Yes. Currently we do use Dialpad, yeah.

14 Q. All right. Who uses the Dialpad system? Is
15 it Intersys employees?

16 A. That's right.

17 Q. And so there are no third-party call centers
18 involved in the calling?

19 A. No, they're not.

20 Q. How does the Dialpad system work in terms of
21 the telephone numbers getting onto the system?

22 A. So as you see the lead, or whoever the lead
23 is assigned to, they would just simply see the lead
24 directly from the system, or the CRM, right.

25 And then we do have a specific button

1 built in the CRM that when you hit the call button,
2 it's going to directly, you know, make the call, place
3 the call through the user's Dialpad account.

4 Q. Got it. And is there a separate text
5 button, other than call?

6 A. The user can just, you know, manually text
7 the client because obviously they are able to see the
8 number on the CRM.

9 Q. They manually text the client, but using the
10 Dialpad software?

11 A. Exactly.

12 Q. Okay. And then the text messages and the
13 calls, what is the purpose of making those? Is it to
14 try to sign up a new customer?

15 A. It's multipurpose.

16 Q. What other purpose --

17 A. That it can be used?

18 MR. PARONICH: Yeah. Go ahead.

19 A. It can be used to help sign up any client,
20 right, and then once, obviously, the client is
21 onboarded then, you know, we would need the client to
22 be very active.

23 And obviously, we would want the
24 customers feasibly to respond that they were
25 comfortable, you know, either via phone call or if